



An
Bord
Pleanála

Inspector's Report ABP-309760-21.

Development	Construction of a single storey flat garden room structure.
Location	Carrickbrack Road, Howth, County Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F21B/0001.
Applicants	Larry & Belinda Ennis.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Larry & Belinda Ennis.
Observers	None
Date of Site Inspection	16 th May 2021.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicants against the decision of the planning authority to refuse permission for a new structure to the front of a detached dwelling in Howth for reasons relating to the zoning and landscape protection.

2.0 Site Location and Description

2.1. Carrickbrack Road

The site is located on the Carrickbrack Road, the main loop road running along the lower section of the south part Howth Head from Sutton Village before it rises in level to the Summit before dropping down to the harbour. The road runs through a mix of residential areas characterised by large detached dwellings taking advantage of the steep slopes for fine vantages and views over Dublin Bay, with smaller areas of farmland and open dry heath. The appeal site is just past an area of open grazing land before a junction with the Old Carrickbrack Road, which runs up the hill, and Ceanchor Road, which serves dwellings lower down the peninsula closer to the cliffs.

2.2. Appeal site

The appeal site is a large detached dwelling on a site with an area given as 0.139595 hectares, and a dwelling of 194 m². The dwelling appears to be of mid-20th Century date, and has a hipped roof and is 2 storeys in height. It is on the south side of the Carrickbrack Road where the levels drop steeply down towards the coastal path. The house is on a steep slope dropping to the south. Another detached dwelling adjoins to the east, while there is open land to the west. There is a bus stop next to the front of the dwelling.

3.0 Proposed Development

The proposed development is described as for:

Construction of a single storey flat roof garden room structure located to the front of the site for multipurpose use including a home office, gym and playroom ancillary to the main dwelling for the use and enjoyment of its occupants.

All drainage, structural and associated site works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission for 2 reasons, which I would summarise as follows:

1. It is located within the Howth Special Amenity Area and it is considered that any development forward of the front building line will seriously injure the visual amenities of the area and the objective to protect views from the Carrickbrack Road.
2. The proposed development would set an undesirable precedent for other similar developments.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The location within an SAAO is noted and objectives 3.1, 3.2 and 3.3 are highlighted as relevant, along with Policy 2.1.1.
- It is noted that the site is lower than the road, but it is stated that the roof of the structure will sit higher than that of the adjoining footpath.
- Strong concerns are outlined about the potential impact on the visual amenities of the area and the precedent that could be set.
- Refusal recommended for this reason.
- Noted that the Transportation Section had reservations about sightlines.

4.2.2. Other Technical Reports

Water Services: No objection subject to conditions.

Transportation: Additional Information requested.

Parks and Green Infrastructure: Additional Information requested.

4.3. Prescribed Bodies

None on file.

4.4. Third Party Observations

None.

5.0 Planning History

Two previous permissions are noted in the planning report – one for a new sun room and deck and one to modify this proposed development – **F00B/0754** and **F04B/0415**.

6.0 Policy Context

6.1. Development Plan

The site is in an area zoned RS – residential - within the 2017 Fingal Development Plan '*to provide for residential development and protect and improve residential amenity*'. It is within the Howth Special Amenity Area Order (SAAO) and is designated as a '*residential area within the Special Amenity Area*'.

6.2. Natural Heritage Designations

The site is within 100 metres of an area of upland designed as part of the **Howth Head SAC site code 000202**. This area is north of the site, on higher ground. The house is approximately 500 metres from the cliff and coast which are also part of the above SAC and also the **North Bull Island SPA site code 004006** and the **Rockabill to Dalkey Island SAC site code 003000**.

7.0 The Appeal

7.1. Grounds of Appeal

- The appellants provide background to the house and the family ownership. It is stated that the house was built in 1932.
- It is outlined that as their family needs have changed and the works are needed to accommodate a number of changes, including home working.
- It is argued that there is no interference with any views or prospects from the adjoining road or elsewhere in the vicinity.
- It is argued that there are a number of examples of developments along Carrickbrack Road where structures have been inserted in front of the building line. It is submitted that there is no clear pattern of building line along this section of road. It is therefore submitted that there is no basis for considering the application to be a precedent.
- It is submitted that the works would not impact on any sight lines along the road.
- It is argued that there is no basis for the objection from the Parks section, as the applicants have always maintained a garden and hedge to a high standard.

7.2. Planning Authority Response

The planning authority states that the application was assessed against the policies and objectives of the Fingal development Plan 2017-2023 with regard to national and local policy objectives. The Board is requested to uphold the decision.

7.3. Observations

None

8.0 Assessment

Having inspected the site and reviewed the file documents, I will assess the proposed development under the following general headings:

- Principle of development
- Pattern of development
- Views and prospects and visual amenity
- Traffic and access
- Other issues
- Appropriate assessment

8.1. Principle of development

The appeal site is an established residential area zoned as RS within the 2017 Fingal Development Plan '*to provide for residential development and protect and improve residential amenity*'. It is within the Howth Special Amenity Area Order (SAAO) and is designated as a 'residential area within the Special Amenity Area'. The latter is one of the strongest designations for the protection of landscapes and vistas and development plan policy reflects this. In this context, there is a generally favourable view towards extensions and alterations to dwellings which would improve the amenities of the residents, but there is also a very strong presumption against permitting development that can be considered to interfere with the overall visual amenities of the SAAO area. In practical terms, I would consider that this places a strong onus on any applicant to demonstrate that alterations or extensions to a dwelling do not impact upon the qualities of the SAAO area and if practicable, enhance the area.

The applicant has stated that the intention of the works is to enhance the house, with particular regard to family changes and the growing need for working from home. I would consider it entirely reasonable and consistent with the zoning designation to facilitate such works within the overall policy objective of protecting the SAAO amenities.

8.2. Pattern of development

The area has developed over the years in a relatively haphazard manner, with most houses in the area having been built up to the SAAO amenity order (initially confirmed by the Minister in 2000) although several have more recently been expanded and/or rebuilt. Due to both the topography and the nature of development in the area there has not been a particularly clear pattern of development, although the appeal site and the dwelling to the east share approximate front and rear building lines. It is also noteworthy that the southern aspect of the houses along this section ensures that the houses usually 'front' to the south rather than to the shady northern side next to the road. It is therefore difficult to apply the usual rules of thumb in assessing whether alterations or extensions can be said to be breaking a front or rear building line or indeed, what really constitutes the front or rear garden of many of the dwellings in the area. I would therefore consider that any developments of the type proposed should be assessed on their own merits with particular regard to the overall impact on the SAAO.

The proposed development includes stand-alone units which are in the 'front' garden, just below the level of the adjoining road. The main opes face south towards the house and the southerly aspect. This type of development would normally not be acceptable in suburban/urban contexts, but having regard to the peculiarities of the site and adjoining area, the proposed development should be considered on its own merits.

8.3. Views and prospects and visual amenity

The site is located at the western extent of an area of large detached dwellings, some on the Carrickbrack Road, but most on minor roads extending down towards the cliff side, and also on higher ground along the Old Carrickbrack Road. To the west of the site is horse grazing land. There is a more or less continuous line of large dwellings on the north of the main road, elevated well above the road level. Beyond these is the open dry heath of Howth Hill. South of the site is more grazing land and heath down to the cliff and Dublin Bay. An important amenity walk runs along the top of the cliff, south of the site, although at this point the site is at its closest around 500 metres from the walk and does not appear to be visible from the public path.

The Carrickbrack Road is a very attractive route for drivers and cyclists, with many fine viewpoints out over Dublin Bay and other directions. The footpath is continuous on the north side, but more intermittent on the south side – it terminates next to the appeal site, although this does not prevent some people from walking along this section. The footpaths are narrow and substandard on both sides and are frequently blocked by parked cars ensuring a very poor level of provision for pedestrians – it is pretty much inaccessible for wheelchairs on either side. This contributes to what appears to be a very low level of usage by pedestrians. The planning authority has emphasised the need to maintain all the views, both in terms of keeping them unobstructed and in ensuring the overall landscape amenities are maintained. The appeal site dwelling is significantly lower than the road level although the upper levels still partially blocks views from the road towards the sea from some viewpoints. The site is fronted with a clipped hedge that is a little higher than the height of the ditch and hedge along the grazing land to the west.

The planning authority consider that the proposed garden room structure would rise above the road level and so potentially interfere with views. While most of the structure is below the level of the path and road it does partially extend above it, and much of the potential impact depends on the replacement boundary treatment. It is quite difficult to make a precise prediction on the overall impact on the basis of the plans as submitted, but having regard to the SAAO designation and the sensitivities on this site, I would consider that there is a strong onus on the applicant to demonstrate that the design is optimised to minimise (or enhance) views and the overall visual amenities of the area, and I do not consider that this has been adequately demonstrated. Given the size of the overall site there would appear to be better design options to achieve the reasonable objective of the applicants to improve the facilities of the dwelling without building so close to the road and potentially impacting on views.

I therefore concur with the general reasoning of the planning authority in their reason 1 for refusal. I do not consider that the proposed development represents a precedent (reason 2 for refusal) as each dwelling in this area is quite distinctive and the most appropriate design approach to improving residential amenities may be different in each case.

8.4. Traffic and access

The site is accessed via a gate almost on the edge of the highway, adjoining a bus stop. While there are reasonably good sight lines on either side, the Transport Division of the Council expressed concerns at the overall layout and requested further information on this. I would share the concerns over this as there is some ambiguity in the plans over whether they would require some alterations to the driveway next to the gate – if the Board is minded to grant permission, I would recommend a condition to this end.

8.5. Other issues

There are no records to indicate that there are any flooding risks associated with the site, and there are no recorded ancient monuments or protected structures in the vicinity of the site. The proposed development would be subject to a standard S.48 Development Contribution if granted, no other development contributions appear to apply in this area.

8.6. Appropriate assessment

The appeal site is not within an SAC or SPA but is in close proximity to the **Howth Head SAC site code 000202**. This area is north of the site, on higher ground. The qualifying interests for this SAC are European Dry Heaths and Vegetated Sea Cliffs of the Atlantic and Baltic Coasts, with the conservation objective to maintain the favourable conservation status of these habitats. The dry heath is separated from the site by the road and a number of dwellings so there are no pathways for pollution or other potential indirect or direct impacts. With regard to the sea cliffs (approximately 500 metres to the south of the site), these overlap with a number of designated sites including the **North Bull Island SPA site code 004006** and the **Rockabill to Dalkey Island SAC site code 003000**. The qualifying interest document from the NPWS makes the following statement with regard to the Howth Head SAC:

“Please note that this SAC overlaps with North Bull Island SPA (004006) and Howth Head Coast SPA (004113) and adjoins North Dublin Bay SAC (000206) and Rockabill to Dalkey Island SAC (003000). See map 2. The conservation objectives for this site should be used in conjunction with those for the overlapping and adjacent sites as appropriate.”

These other SAC’s and SPA’s are designated for their value for a variety of coastal habitats and in particular birds of sea cliffs and coastal and littoral habitats. There are no watercourses running through the site, although I note a small stream about 100 metres to the west that runs down to the cliff area. But there are no obvious linkages between the site and this stream and the site is residential in nature and as such would have no indirect benefit to species associated with the designated habitats, and there are no pathways for pollution.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000202 or any other European site, in view of the site’s Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

I recommend that the Board upholds the decision of the planning authority to refuse permission for the works.

10.0 Reasons and Considerations

The proposed development is located within an area zoned residential in the Fingal Development Plan 2017-2023 and within the Howth Special Amenity Area where there is an objective (Objective 2.1) to preserve views from public footpaths and roads and to protect the visual amenities of this area. The Board is not satisfied, from the information submitted with the application and appeal that the proposed works are optimal to improve and expand the amenities of the existing dwelling

without interfering with views from the road and injuring the visual amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

17th May 2021